

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA FEDERAL EXPRESS

C T Corporation System
Registered Agent for International Paper Company
800 S. Gay Street
Suite 2021
Knoxville, TN 37929-9710

Re: San Jacinto River Waste Pits Superfund Site, Channelview, TX
SSID No. 06ZQ, EPA ID No. TXN000606611

Dear Sir/Madam,

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the International Paper Company (IPC), a New York corporation with headquarters in Memphis, Tennessee in providing information and documents relating to the San Jacinto River Waste Pits Superfund Site (Site). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. IPC's response will also help the EPA develop a better understanding of disposal activities at the Site (see Enclosure 3XX).

The EPA is sending this letter to IPC, the successor by merger to Champion Paper Company, as part of its investigation of the Site. The EPA is now requesting additional information from IPC that EPA has not yet asked for. In particular, EPA is requesting historical operational that pertains to the paper mill located adjacent to the Houston Ship Channel in Pasadena that CPC operated during the 1960's. The EPA is also seeking information from IPC concerning waste paper mill sludge that was generated at CPC's paper mill in Pasadena, Texas and the paper mill in Sheldon, Texas that CPC owned and/or operated for a period of time beginning during 1984.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives EPA the authority to require IPC respond to this information request (see Enclosure 1). We encourage IPC give this matter its full attention, and ***we respectfully request IPC respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official of IPC with the

requisite authority to respond on behalf of the company. However, failure to respond to this information request may result in EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Robert Werner, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosures 1 and 2, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Mr. Werner at (214) 665-6724. For legal questions concerning this letter, please have your legal counsel contact Ms. Barbara Nann, Attorney, at (214) 665-2157. Thank you for your attention to this matter.

Sincerely yours,

Wren Stenger, Associate Director
Technical and Enforcement Branch
Superfund Division

Enclosures (3 XX)

cc: Mr. Elton Parker, Esq.
Senior Council for Environmental Health and Safety, International Paper Company

ENCLOSURE 1

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e).

Pursuant to the authority of CERCLA §104(e), International Paper Company (IPC), a New York corporation with headquarters in Memphis, Tennessee is hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Robert D. Werner, the designated Enforcement Officer for the Site, at phone number 214.665.6724 or fax number 214.665.6660. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Robert Werner, Enforcement Officer
Superfund Enforcement Assessment Team (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

If you or your attorney have legal questions that pertain to this information letter request, please contact Ms. Barbara Nann at phone number 214.665.2157 or fax number 214.665.6460 or mail questions to her at the following address:

Ms. Barbara Nann
Office of Regional Counsel, Superfund Branch (6RC-S)
United State Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The Site is located east of the City of Houston in Harris County in the State of Texas in the area where the Interstate Highway 10 Bridge (I-10) crosses over the San Jacinto River (see Enclosure 5). The Site's already identified land area is a now abandoned 20-acre tract of land (Tract). This Tract is adjacent to the north side of I-10 and the west side of the San Jacinto River. This Tract is located in an unincorporated area known as Channelview. The already identified area of the San Jacinto River that is within the Site's boundaries is north, east and south of the Tract. This area of the San Jacinto River is located between the two unincorporated areas known as Channelview and as Highlands. The Site itself has no specific street address.

Virgil C. McGinnes, Trustee is the Tract's current owner of record. Virgil C. McGinnes is deceased. Exposed abandoned waste disposal pits are located on this abandoned Tract. Part of the abandoned Tract, including parts of the disposal pits, is now below the adjacent San Jacinto River's water surface.

The Tract is contaminated with waste paper mill sludge. EPA has information that indicates ~~the~~ waste paper mill sludge had been transported to the Tract from the Champion Paper Mill in Pasadena, Texas. This information indicates that for a period of time during the 1960's MIMC had transported, via barges, waste paper mill sludge from CPC paper mill in Pasadena, Texas to the Tract. This information also indicates that, after MIMC barged the waste paper mill sludge to Tract, MIMC then unloaded the sludge from the barges into one or more of the disposal pits on the Tract.

Concerning the Champion Paper Mill in Pasadena, Texas, IPC's previous response letter, dated July 3, 2008, advised EPA that:

- A. IPC is the successor by merger to Champion Paper Company, Champion Coated Paper Company, Champion Paper & Fibre Company, Champion Paper & Fibre, Champion Paper, Inc., U.S. Plywood-Champion Papers, Inc., United States Plywood Corporation, and Champion International Corporation that controlled, operated, managed, or were involved during the 1960's with ownership or operation of the Champion Paper Company (CPC) paper mill located adjacent to the Houston Ship Channel in Pasadena, Texas.
- B. On January 1, 1960, the CPC paper mill in Pasadena, Texas, located at 901 North Shaver Street, Pasadena, Texas 77506, was owned and operated by The Champion Paper and Fibre Company. The name of that entity was changed to Champion Papers, Inc. on July 31, 1961. In March 1967, Champion Papers, Inc. merged with U.S. Plywood Corp. to become U.S. Plywood - Champion Papers Inc. In 1972, the name of that company was changed from U.S. Plywood - Champion Papers Inc. to Champion International Corporation. On January 30 1987, Champion International Corporation sold the Mill to Simpson Pasadena Paper Company. On information and belief, Simpson Pasadena Paper Company owned and operated the Mill between then and December 31, 1990.

- C. The CPC paper mill produced bleached pulp utilizing a dual sulfate pulping (Kraft) manufacturing complex during the 1960's.
- D. Available historical documentation indicated that the CPC paper mill utilized contractors to remove sludge from onsite settling basins and transported for offsite disposal and that IPC had not yet ascertained the precise method by which sludge was physically removed from onsite basins at the CPC paper mill or whether CPC's disposal method varied over time.
- A. Historic documentation indicated that sludge from the CPC paper mill was transported the Hall's Bayou Ranch (depicted in two diagrams in the document entitled "Environmental Improvement Survey," which is enclosed in the folder labeled "Response #8") and an area known as the Red Bluff Road Landfill, located near the intersection of Red Bluff Road and Beltway 8 in Pasadena, TX.

XXXXXX

The primary hazardous substances on the Tract and in down river sediments of the San Jacinto River, and possibly also in the Houston Ship Channel, are polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans. Sediment samples collected in compliance with the Site's Administrative Settlement Agreement and Order on Consent for Removal Action, dated May 17, 2010 (AOC), have found dioxin concentrations as high as 360,000 parts per trillion in sediment samples from the submerged portion of the Tract's disposal pits and dioxin concentrations as high as 3,660 parts per trillion in sediment samples collected outside the berm placement that originally had surrounded Tract's disposal pits. The high dioxin concentrations found in river sediment samples outside the berm, that had surrounded the disposal pits, indicates a release of dioxin from the Tract's disposal pits into the river's sediment.

Dioxin is a waste contaminate that can result from paper mill operations. Based upon information that EPA has already gathered, the now closed CPC paper mill that had been located adjacent to the Houston Ship Channel in Pasadena, Texas appears to be a possible source of the dioxin contamination at the Site.

On September 19, 2007, (72 FR 53509) the Site was proposed for listing on the National Priorities List (NPL). On March 19, 2008, (73 FR 14179) the final listing of the Site onto the NPL occurred.

ENCLOSURE 2

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE INFORMATION REQUEST

INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to International Paper Company (IPC), a New York corporation with headquarters in Memphis, Tennessee as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such a claim, the information covered by that claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation (including state of incorporation), partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The Term "IPC" means IPC and all corporations that due to previous mergers and reorganizations are now part of IPC or are subsidiaries of IPC.
9. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
10. The term "Site" shall mean disposal pits located on land in an area where the Interstate 10 Highway Bridge crossed over the San Jacinto River, sediment in an area of the San Jacinto River, and possibly sediment in an area of the Houston Ship Channel that is contaminated with hazardous materials from waste paper mill sludge. The Site is in Harris County in the State of Texas. The Site itself has no specific street address.
11. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
12. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE 3

SAN JACINTO RIVER WASTE PITS SUPERFUND SITE INFORMATION REQUEST

QUESTIONS

1. Please identify the person(s) that answer the below questions on behalf of International Paper Company (IPC). Include the person(s) contact information (address, phone number, e-mail address).
2. Please provide copies of all contracts and all documents not previously provided by IPC to EPA, that pertain to removal of waste paper sludge from the CPC paper mill.
3. Please provide copies of all documents, i.e., letters, memorandums, contracts, etc., not previously provided by IPC to EPA, having information that concerns CPC's business relation with McGinnes Industrial Maintenance Corporation (MIMC).
4. Please provide copies of all documents, i.e., letters, memorandums, contracts, etc., not previously provided by IPC to EPA, having information that concerns CPC's business relation with Ole Peterson Construction Company Incorporated (OPCC).
5. Please identify the beginning and ending dates for the period that CPC conducted bleached paper pulp operations at the paper mill in Pasadena, Texas.
6. Please provide copies of documents, i.e., letters, memorandums, contracts, diagrams, etc., not previously provided by IPC to EPA, that illustrate the locations of all onsite settling basins at the Pasadena paper mill that had been used for temporary containment of waste paper mill sludge.
7. Please provide copies of documents, i.e., letters, memorandums, contracts, diagrams, that illustrate the location of the dock(s) used for barges that transported waste paper mill sludge away from the settling basinxxxat the Pasadena paper mill that had been used for temporary containment of waste paper mill sludge.
- 8.
- xx. Concerning the paper mill in Sheldon, Texas that CPC, later known as Champion International Corporation, purchased, and later sold:
 - E Please identify the dates that CPC purchased, and later sold, the Sheldon paper mill.
 - xx. Please provide copies of the purchase contract and the subsequent sale contract for the the Sheldon paper mill.
 - xx. Please identify the beginning and ending dates for the period that bleached paper pulp operations began at the Sheldon paper mill.

- xx. Please describe how waste paper mill sludge from the Sheldon paper mill was disposed of during the period that CPI operated the mill.
- xx. Concerning removal of sludge from the onsite settling basins at the Pasadena paper mill:
 - 1. Please identify the names of all contractors that CPC had ever utilized to remove sludge from the Pasadena paper mill onsite settling basins.
 - 2. Please identify the beginning and ending dates during which CPC utilized these contractors to remove sludge from the Pasadena paper mill onsite settling basins.
 - 3. Please identify the locations to which these contractors transported sludge from the Pasadena paper mill onsite settling basins.
 - 4. Did CPC have anything to do with the selection of any location(s) to where sludge from the Pasadena paper mill onsite settling basins was transported?
 - 5.
 - 6.
- 7.
- 8. beginning and ending dates during which CPC utilized these contractors to remove sludge from these onsite settling basins.
- 9.
- 9. these contractors and transported for offsite disposal. We have yet to ascertain the precise method by which sludge was physically removed from the basins or whether the method of varied over time.

R.Werner:04-29-2008:104(e)Ltr - International Paper Company 2008-04-29

B.Nann	L.Johnson	W.Stenger	M.Peycke	P.Phillips
6RC-S	6SF-TE	6SF-T	6RC-S	6SF-D